e.g., items not subject to the exclusive jurisdiction of another agency. Thus, for example, if an item is described in the U.S. Munitions List (USML) (22 CFR Part 121) of the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120–130), including one of its catch-all paragraphs, then the item is a ''defense article'' subject to the ITAR and there is no need to review the CCL with respect to whether it describes the item. See 22 CFR §120.6 (''Defense article means any item or technical data designated in §121.1 of the ITAR. The policy described in §120.3 is applicable to designations of additional items''). If an item is not described on the USML and is otherwise ''subject to the EAR,'' then work through each of the following steps to determine where the item is covered by the CCL or, if it is not covered by the CCL, and is therefore designated as EAR99.

(1) Step 1. To classify an item ''subject to the EAR'' against the CCL, review the general characteristics of the item. This will usually guide you to the appropriate category (0 through 9) on the CCL.

(2) Step 2. Once the potentially applicable CCL categories are identified, determine which product group within the CCL category or categories—i.e., A, B, C, D, or E—is applicable to the item.

(3) Step 3. The ''600 series'' describes military items that were once subject to the ITAR. Just as the ITAR effectively trumps the EAR, items described in a ''600 series'' ECCN trump other ECCNs on the CCL. Thus, the next step in conducting a classification analysis of an item ''subject to the EAR'' is to determine whether it is described in a ''600 series'' ECCN paragraph other than a ''catch-all'' paragraph such as a ''.x'' paragraph that controls unspecified ''parts'' and ''components'' ''specially designed'' for items in that ECCN or the corresponding USML paragraph. If so, the item is classified under that ''600 series'' ECCN paragraph.

(4) Step 4. If the item is not described in a ''600 series'' ECCN, then determine whether the item is classified under a ''600 series'' catch-all paragraph, i.e., one that controls non-specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for items in that ECCN or the corresponding USML paragraph. Such items are generally in the ''.x'' paragraph of the ''600 series'' ECCNs.

(i) Step 4.a. Determine whether the item would meet the criteria of either paragraphs (a)(1) or (a)(2) of the ''specially designed'' definition in §772.1 of the EAR. (These are informally known as the ''catch'' paragraphs.) If not applicable, then the item is not within the scope of the ECCN paragraph that contains a ''specially designed'' control parameter. Skip to Step 5.

(ii) Step 4.b. If the item meets the criteria of either paragraph (a)(1) or (a)(2) of the ''specially designed'' definition, then determine whether any of the provisions of paragraph (b) of the ''specially designed'' definition would apply. (These are informally known as the ''release'' provisions.) If so, then the item is not within the scope of the ECCN paragraph that contains a ''specially designed'' control parameter.

NOTE TO PARAGRAPH (a)(4): The emphasis on the word ''control'' in Steps 4.a and 4.b is deliberate. Some ECCNs use ''specially designed'' as a de-control parameter. If an item would *not* be classified under a particular ECCN because it falls within the scope of either subparagraph (a)(1) or (a)(2) of the ''specially designed'' definition, then there is no need to analyze whether any element of paragraph (b) of the definition would apply to the item. One needs only review the ''release'' provisions in paragraph (b) of the ''specially designed'' definition if paragraph (a) of the ''specially designed'' definition applies to the item in a ''control'' paragraph of an ECCN that uses the term ''specially designed.''

(5) Step 5. If an item is not classified by a ''600 series'' ECCN, then starting from the beginning of the product group analyze each ECCN to determine whether any other ECCN in that product group describes the item. If any ECCN uses the term ''specially designed,'' see Steps 4a and 4b above in paragraphs (a)(4)(i) and (a)(4)(ii) respectively. If the item is described in one of these ECCNs, then the item is classified under that ECCN.

(6) Step 6. If the item is not described under any ECCN of any category of the CCL, then the item is designated as EAR99. EAR99 items may require a license if destined for a prohibited or restricted end user, end use or destination. See paragraphs (g) through (n) of §732.3 ''Steps Regarding the Ten General Prohibitions,'' or General Prohibitions Four through Ten of part 736 of the EAR for license requirements other than those imposed by the CCL.

(b) [Reserved]

[78 FR 22735, Apr. 16, 2013]

SUPPLEMENT NO. 5 TO PART 774— ITEMS CLASSIFIED UNDER ECCNS 0A521, 0B521, 0C521, 0D521 AND 0E521

The following table lists items subject to the EAR that are not listed elsewhere in the CCL, but which the Department of Commerce, with the concurrence of the Departments of Defense and State, has identified warrant control for export or reexport because the items provide at least a significant military or intelligence advantage to the United States or for foreign policy reasons.

Item descriptor NOTE: The description must match by model number or a broader descriptor that does not necessarily need to be company specific	Date of initial or subsequent BIS classification. (ID = initial date; SD = subsequent date)	Date when the item will be designated EAR99, unless reclassified in another ECCN or the 0Y521 classification is reissued	Item-specific license exception eligibility
0A521. Systems, Equipment and Components			
No.1: Biosensor systems and dedicated detecting components, i.e. cartridges and cells, capable of detecting all of the following aerosolized bioagents: anthrax, ricin, Botulinum toxin, Francisella tularensis, orthopoxvirus and Yersinia pestis, and having all of the following characteristics: a. Capable of showing results in three minutes or less; b. Has an integrated bioaerosol collector and identifier; c. Contains antibodies for any of the bioagents listed above; and d. Utilizes bioluminescence as a process. Related Controls. *(1)* See ECCN 1A004.c for detection systems and ECCN 2B351 for toxic gas monitoring systems and their dedicated detecting components, both of which are different from ECCN 0A521. Biosensor Systems. *(2)* See 22 CFR Part 121, Category XIV (f) (2) for equipment for the detection, identification, warning or monitoring of biological agents that is subject to the export licensing jurisdiction of the U.S. Department of State, Directorate of Defense Trade Controls. Technical Notes: 1. For the purposes of this entry, the term dedicated means committed entirely to a single purpose or device. 2. This entry does not control biosensor systems that detect food borne pathogens.	March 28, 2013 (ID)	March 28, 2014	License Exception GOV under § 740.11(b)(2)(ii) only.
0B521. Test, Inspection and Production Equipment			
[Reserved].			
0C521. Materials			
[Reserved].			
0D521. Software			
No. 1 0D521 ''Software'' for the function of Biosensor Systems controlled by ECCN 0A521.	March 28, 2013 (ID)	March 28, 2014	License Exception GOV under § 740.11(b)(2)(ii) only.
No. 2 ..... ''Source code'' for the ''development'' of fly-by-wire control systems	June 20, 2013 (ID)	June 20, 2014	License Exception GOV under § 740.11(b)(2)(ii) only.
0E521. Technology			
No. 1: 0E521 ''Technology'' for the ''development'' or ''production'' of Biosensor Systems controlled by ECCN 0A521.	March 28, 2013 (ID)	March 28, 2014	License Exception GOV under § 740.11(b)(2)(ii) only.
No. 2 [Reserved]	[Reserved]	[Reserved]	[Reserved].
No. 3 [Reserved]	[Reserved]	[Reserved]	[Reserved].

No. 4 [Reserved]	[Reserved]	[Reserved]	[Reserved].
No. 5 [Reserved]	[Reserved]	[Reserved]	[Reserved].
No. 6	June 20, 2013 (ID)	June 20, 2014	License Exception GOV under § 740.11(b)(2)(ii) only.
"Technology" for fly-by-wire control systems, as follows:			
a. "Technology" according to the General Technology Note for the "development" of "software" controlled by 0D521; or			
b. "Development" "technology" for "active flight control systems" for control law compensation for sensor location or dynamic airframe loads, i.e., compensation for sensor vibration environment or for variation of sensor location from the center of gravity.			

[78 FR 18816, Mar. 28, 2013, as amended at 78 FR 37394, June 20, 2013]